

Message Text

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INFO OCT-01 ARA-10 ISO-00 EB-07 L-03 CIAE-00 INR-07

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FM SECSTATE WASHDC

TO AMEMBASSY MEXICO

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E.O. 11652:N/A

TAGS: ETRD, MX

SUBJECT: HEALTH REGISTRATION REQUIREMENTS FOR DENTAL

--- PRODUCTS

1. OIM HAS RECEIVED AN INQUIRY FROM A U.S; FIRM CONCERNING SALES OF A REGISTERED DENTAL PRODUCT IN MEXICO.
2. BASICALLY, SITUATION IS AS FOLLOWS: THE U;S. FIRM HAS SOLD ITS PRODUCT IN MEXICO FOR YEARS THROUGH A NUMBER OF DISTRIBUTORS. ALTHOUGH TECHNICALLY REQUIRED BY A 1942 LAW TO REGISTER THE PRODUCT WITH THE SECRETARIA DE SALUBRIDAD Y ASISTENCIA, THIS WAS NEVER DONE BY THE U;S; FIRM. SHIPMENTS WERE SUSPENDED IN JULY BY THE MEXICANS; MEXICAN DEALERS FORMED A COMPANY AND GOT THE PRODUCT REGISTERED IN OCTOBER;
3. THE U.S; FIRM'S UNDERSTANDING HAS BEEN THAT THEY ARE NOW LIMITED BY THE TERMS OF THE REGISTRATION REQUIREMENTS TO SUPPLY ONLY THE COMPANY FORMED BY THE TWO DEALERS SINCE

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IT HAS REGISTERED THE PRODUCT THE MEXICAN COMPANY WILL

SUPPLY OTHER DEALERS, BUT AT PRICES WHICH REFLECT THE OPERATING EXPENSES OF THE COMPANY, AND ONLY WITH LABELS WHICH INDICATE THE NAME AND ADDRESS OF THE MEXICAN COMPANY AND THE REGISTRATION NUMBER OF THE PRODUCT;

4; OTHER DEALERS HAVE CLAIMED THAT THERE IS NO LEGAL REQUIREMENT FOR THEM TO BUY THROUGH THE MEXICAN COMPANY AND THEY PREFER NOT TO SINCE IT RAISES THEIR COSTS. THEY THINK THEY CAN IMPORT DIRECTLY, SINCE THE PRODUCT NOW HAS BEEN REGISTERED LEGALLY

5. CAN POST DETERMINE WHETHER IN FACT THE REGISTRATION WITH THE SECRETARIA IS SUFFICIENT TO ENABLE ANY PARTY TO IMPORT A PRODUCT, OR WHETHER THE REGISTRATION IS ONLY GOOD FOR THE COMPANY WHICH ACTUALLY REGISTERS THE PRODUCT? EARLY RESPONSE FROM POST WILL BE APPRECIATED; INGERSOLL

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